

BOARD OF APPEALS CASE NO. 5079

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BEFORE THE

APPLICANTS: Leo & Dolores Sumlin

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ZONING HEARING EXAMINER

**REQUEST: Variance to construct a sunroom
within the required rear yard setback;
700 Flintlock Drive, Bel Air**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 8/16/00 & 8/23/00

Record: 8/18/00 & 8/25/00

HEARING DATE: September 25, 2000

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Leo and Dolores Sumlin, are seeking a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to permit a sunroom within the 40 foot rear yard setback (35 feet existing) in an R2/Urban Residential District.

The subject parcel is located at 700 Flintlock Drive and is more particularly identified on Tax map 49, Grid 1F, Parcel 788, Lot 186. The parcel is within the Greenridge II, Section II subdivision, consists of 0.299 acres, is zoned R2/Urban Residential and is entirely within the Third Election District.

Mr. Leo Sumlin appeared and testified that he and his wife wish to convert an existing patio to an enclosed sunroom. Because the room is enclosed, the setback is required to be 40 feet. The existing concrete patio, however, already exists and is setback 35 feet. Interestingly, if no glass were used and only screens used, the structure would qualify as a screened-in porch and be allowed to encroach 20% into the setback or a total of 8 feet. This is an anomaly within the Code. The subject lot is a corner lot making it subject to two 35 foot front yard setbacks. Coupled with a 40 foot rear yard setback and given the size of the lot, there is no other practical location for the sunroom. The Applicant did not believe that the conversion of an existing patio to an enclosed sunroom would adversely impact any of his neighbors or impair the purpose of the Zoning Code.

The Department of Planning and Zoning recommends approval of the request and characterizes the variance as minor.

There were no persons who appeared in opposition to this request.

Case No. 5079 – Leo & Dolores Sumlin

CONCLUSION:

Section 267-11 permits variances and provides:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”

The Hearing Examiner agrees that the lot is unique in that its corner location impose additional setback requirements not imposed upon non-corner lots. These additional setback requirements severely limit the buildable area of the property and limit the potential location of this sunroom to the one proposed. No adverse impacts will result from a grant of the requested variance and to any the Applicant the ability to construct a sunroom would serve to deprive this Applicant from property uses commonly enjoyed as a matter of right by other property owners in Harford County.

The Hearing Examiner, therefore, recommends approval of the requested variance subject to the condition that the Applicant obtain any and all necessary permits and inspections.

Date OCTOBER 26, 2000

William F. Casey
Zoning Hearing Examiner